

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday, May 20, 2022  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

---

**AGENDA**

---

**CALL TO ORDER**.....Commission's Chair, Chairman Russell  
**ROLL CALL**.....Presiding Appellate Officer, Commissioner Tilly  
**BUSINESS**.....Presiding Appellate Officer, Commissioner Tilly

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION**

**A. MINUTES:**

- The drafted Minutes of the Regular Appeals Meeting of April 29, 2022 will be considered for approval.

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

The hearings before the Commission en banc will be conducted pursuant to the authority and jurisdiction of the Administrative Workers' Compensation Act, Title 85A O.S. § 1 et seq., and the Workers' Compensation Commission's Permanent Rules, OAC 810. The Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.
- Both parties are subject to questioning by Commissioners.

1. **Jodi Walters v. Tulsa Police Department and the City of Tulsa (OWN RISK #10435), File #CM3-2015-03388R**

Cross appeal filed from the order issued by Administrative Law Judge Inhofe. William E. Sparks, Micah Felton, and Jack G. Zurawik are the attorneys of record for the Claimant. Travis R. Colt is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

2. **Julian Slater v. MITF, File #CM3F-2019-00356F**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Richard A. Bell and Bob Burke are the attorneys of record for the Claimant. Michael A. Fagan is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

3. **Mark Vorhes v. American Airlines Inc. and New Hampshire Insurance Co., File #CM3-2018-03831R**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Robert A. Flynn is the attorney of record for the Claimant and Travis R. Colt is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

4. **Raymond Miller v. La Quinta Inn, Global Core Stillwater LLC, and Employers Preferred Insurance Co. (FKA AMCOMP PREFERRED), File #CM3-2020-00616F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. James G. Devinney and Michael R. Green are the attorneys of record for the Claimant. Cathy C. Barnum is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

5. **Kevin Cantwell v. Flex N Gate Oklahoma LLC and Hartford Accident & Indemnity Co., File #CM3-2016-04789A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. T.R. Banks and Bob Burke are the attorneys of record for the Claimant. Steven E. Hanna is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

6. **Kevin Cantwell v. Flex N Gate Oklahoma LLC (OWN RISK #19362), File #CM3-2017-04866J**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. T.R. Banks and Bob Burke are the attorneys of record for the Claimant. Steven E. Hanna is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

7. **David White v. 918 Construction LLC and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2020-03673F**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. James G. Devinney and Bob Burke are the attorneys of record for the Claimant. Travis R. Colt is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the

Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**8. Crystal Archibald v. Papa Johns Pizza, Ozark Pizza Co. LLC, and Intrepid Insurance Company, File #CM3-2019-04136X**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Kathryn Black is the attorney of record for the Claimant and Clark P. Bushyhead is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**9. Wanda Gibby v. MITF, File #CM3F-2019-07638F**

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. J. Kord Hammert is the attorney of record for the Claimant and Michael A. Fagan is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; continuing the matter; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect; or taking preliminary action in the matter to reverse, modify, or remand. If the Commissioners do not fully affirm the order of the Administrative Law Judge, the Commission may instruct Appellate Counsel or staff to draft a proposed order to be considered in further deliberations and at a future Commission meeting.

**C. Commission Consideration of Adoption of Final Order in the Following Cases:**

**1. Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

This case came on for Oral Argument on November 19, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission ordered additional briefing and continued the matter.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

2. **John Rosson v. Roundtree Automotive Group LLC and State National Insurance Co., File #CM3-2019-03668K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green appeared for the Claimant. Blake Farris appeared for the Respondent.

This case came on for Oral Argument on December 17, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

3. **Ray McGlocklin v. Jernigan's Sporting Goods Inc., File #CM3-2020-01803F**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. John R. Colbert appeared for the Claimant and Timothy E. Lurtz appeared for the Respondent.

This case came on for Oral Argument on January 28, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

4. **Henry Wuneburger v. MITF, File #CM3F-2015-03231Y**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Michael C. Bell appeared for the Claimant and Travis Colt appeared for the Respondent.

This case came on for Oral Argument on March 25, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

5. **J. Asuncion (Soto) Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM3-2015-08100F**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant and Michael Fagan appeared for the Respondent.

This case came on for Oral Argument on April 29, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**6. Rita Morales v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM3-2015-07958X**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan H. Jones appeared for the Claimant and Jordan S. Ensley appeared for the Respondent.

This case came on for Oral Argument on April 29, 2022. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**7. Tracy Minor v. Hobby Lobby Stores Inc. and Indemnity Insurance Co. of North America, File #CM3-2020-05570X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Joseph C. Biscone II and Emily Biscone appeared for the Claimant and James C. Ferguson appeared for the Respondent.

This case came on for Oral Argument on April 29, 2022. After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take preliminary action to remand this cause for the taking of additional evidence, in the form of an independent medical examiner, and instructed the Commission's Appellate Council to draft an order, with the Commission's reasoning, to be adopted at a future meeting.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**ADJOURNMENT.....Presiding Appellate Officer, Commissioner Tilly**